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INFINEON TECHNOLOGIES NORTH
AMERICA CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,
Plaintiff,

vs.

INFINEON TECHNOLOGIES NORTH
AMERICA CORP., a Delaware corporation, et
al.,
Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 3:09-cv-2112 RS

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO SERVE
INVALIDITY CONTENTIONS AND
CONTINUING CASE MANAGEMENT
CONFERENCE
AS MODIFIED BY THE COURT**

JOINT STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING TIME FOR INVALIDITY
CONTENTIONS AND CONTINUING CMC

Case No. 3:09-cv-2112 RS

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Gregory Bender (“Bender”) and defendants Infineon Technologies North America Corp. (“Infineon”) and Silicon Laboratories, Inc. (“Silicon Labs”) (collectively, “Defendants”), through counsel, hereby stipulate and request an Order to (1) extend the time for Defendants to serve their invalidity contentions by sixty (60) days from May 20, 2010 up to and including July 19, 2010 and (2) change the date set for the Court’s Case Management Conference in this action from May 27, 2010 (Dkt. No. 47) to July 26, 2010 or as soon thereafter as this matter can be heard.

Good cause exists for this request. On April 5, 2010, the Defendants each filed a motion to strike Bender’s infringement contentions and to dismiss this case pursuant to Federal Rule of Civil Procedure 37 (Dkt. Nos. 48 and 50). On May 11, 2010, Magistrate Judge Lloyd held a hearing on the Defendant’s motions and decided to take the Defendants’ motions under submission (Dkt. No. 62). To date, Magistrate Judge Lloyd has not yet issued an order on Defendants’ motions, and therefore the parties do not know whether Bender’s infringement contentions will be stricken and whether this case will be dismissed. In view of these facts, the parties agree and stipulate as follows:

1. The deadline for Defendants to serve their invalidity contentions shall be extended by 60 days from May 20, 2010 up to and including July 19, 2010; and

2. The Case Management Conference shall be delayed until July ^{29th} ~~26~~, 2010 or as soon thereafter as this matter can be heard.

IT IS SO AGREED.

Dated: May 19, 2010

LAW OFFICES OF DAVID N. KUHN

By: /s/ David N. Kuhn
David N. Kuhn
Attorneys for Plaintiff
GREGORY BENDER

1 Dated: May 19, 2010

DLA PIPER LLP (US)

2
3 By: /s/ Marc C. Belloli

4 Marc C. Belloli
5 Attorneys for Defendant
SILICON LABORATORIES, INC.

6 Dated: May 19, 2010

McDERMOTT WILL & EMERY

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8
9 By: /s/ Daniel R. Foster

10 Daniel R. Foster
11 Attorneys for Defendant
INFINEON TECHNOLOGIES NORTH
12 AMERICA CORP.

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 Dated: 5/20/10



16 HON. RICHARD SEEBORG
17 UNITED STATES DISTRICT JUDGE
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